

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE**

<b>ZENA RAYFORD,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>No.</b>
	)	
<b>v.</b>	)	<b>Judge</b>
	)	
<b>THE STANDARD INSURANCE COMPANY,</b>	)	<b>Magistrate Judge</b>
	)	
<b>Defendant.</b>	)	

**NOTICE OF REMOVAL**

Defendant/removing party, STANDARD INSURANCE COMPANY (“Standard”), by its attorneys, Warren von Schleicher and Jacqueline J. Herring of Smith, von Schleicher & Associates, hereby provides notice of removal pursuant to 28 U.S.C. §1441, *et. seq.*, and respectfully presents this Court the following grounds for removal:

1. The removing party, Standard, is a defendant in an action captioned *Zena Rayford v. The Standard Insurance Company*, Docket No. CT-002954-11, pending in the Circuit Court for Shelby County, Tennessee at Memphis. The plaintiff, Zena Rayford (“Plaintiff”), commenced this action on June 22, 2011 by filing her Complaint in the Circuit Court for Shelby County, Tennessee at Memphis.

2. This case is a re-filing of *Rayford v. The Standard Ins. Co.*, Case No. 2:08-cv-02144-SHM-tmp, U.S. District Court, W.D. Tenn., in which Judgment was entered in favor of Standard on March 10, 2010 (“*Rayford I*”). The Order Granting Defendant’s Motions for Summary Judgment and to Dismiss for Lack of Subject Matter Jurisdiction and the Judgment, both entered March 10, 2010, are attached as Exhibits A and B.

3. On June 30, 2011, Standard was served with the Complaint and Summons, which are attached as Exhibits C and D. The Complaint and Summons constitute all of the process, pleadings and orders served on Standard. There have been no further proceedings in connection with this case in the Circuit Court for Shelby County, Tennessee at Memphis.

4. Based on the date of service of the Complaint and Summons, Standard is required to file its Notice of Removal on or before August 1, 2011. Because Notice of Removal has been filed on or before August 1, 2011, Standard's Notice of Removal is timely filed pursuant to 28 U.S.C. §1441 and §1446. A copy of the Notice of Filing Notice of Removal to be filed with the Circuit Court for Shelby County, Tennessee at Memphis is attached hereto as Exhibit E.

5. Standard removes this action pursuant to 28 U.S.C. §1441 *et seq.* based on federal diversity jurisdiction under 28 U.S.C. §1332. The United States District Court for the Western District of Tennessee is the appropriate venue for removal of this action from the Circuit Court for Shelby County, Tennessee at Memphis.

6. Standard is a corporation duly organized by virtue of the laws of the State of Oregon with its principal place of business located in Portland, Oregon. (Ex. C, Complaint, ¶ 2). Standard, therefore, is a citizen of the State of Oregon. Plaintiff is a citizen of the State of Georgia. (Ex. C, Complaint, ¶ 1). Accordingly, there is diversity of citizenship between the parties.

7. The amount in controversy exceeds \$75,000, exclusive of interest and costs. Plaintiff alleges that she is entitled to past benefits since January 26, 2005. (Ex. C, Complaint, ¶¶ 6, 12, 13). Plaintiff's gross monthly benefit amount is \$1,078.80. (Ex. A, *Rayford I* Order, pg. 5). The total amount of past benefits allegedly due to Plaintiff is \$84,146.40 for the seventy-

eight (78) months from January 27, 2005, to the present, July 29, 2011 (\$1,078.80 x 78 = \$84,146.40).

8. Based on the allegations in the Complaint, the amount in controversy exceeds \$75,000.00 pursuant to 28 U.S.C. §1332. Because there is complete diversity between the parties to this matter and because the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, Standard is entitled to removal of this matter from state court to federal court pursuant to 28 U.S.C. §1441, *et. seq.*

9. This Court has original jurisdiction of the above entitled action pursuant to 28 U.S.C. §1332 and the action may, therefore, be removed to this Court pursuant to 28 U.S.C. §1441 and 28 U.S.C. §1446.

WHEREFORE, removing party/defendant, STANDARD INSURANCE COMPANY, respectfully requests that the above captioned action be removed from the Circuit Court for Shelby County, Tennessee at Memphis, to the United States District Court for the Western District of Tennessee.

Respectfully submitted,

Warren von Schleicher (Ill. No. 6197189)  
Jacqueline J. Herring (Ill. No. 6282246)  
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By: /s/ Jacqueline J. Herring  
Attorney for Defendant/Removing Party,  
Standard Insurance Company

**CERTIFICATE OF SERVICE**

I hereby certify that on July 29, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. I further certify that a paper copy of the electronically filed document was served on the individual addressed below via Federal Express, Overnight Delivery.

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